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Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/15/2010 has been entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Barbara Johnson (Reg. No. 31, 198) on 12/21/2010.

In the claims:

Claims 54-61 are cancelled.

Claim 62. (New) A method for increasing harvest index of a rice plant, comprising the steps of: (a) transforming cells from a rice plant with a genetic construct which comprises a nucleic acid sequence that encodes a Na⁺/H⁺ exchanger polypeptide having an amino acid sequence which has at least 95% identity to SEQ ID NO: 2, and wherein the nucleic acid sequence is operably linked to a seed-specific rice prolamin promoter; (b) expressing said polypeptide in the transformed rice plant cells; (c) regenerating transgenic rice plants from said transformed rice plant cells; and (d) identifying a transgenic rice plant from said transgenic rice

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plants which exhibits an increase in harvest index of 19% compared to a rice plant that is not transformed with said genetic construct.

Claim 63 (New). The method of claim 1, wherein said polypeptide has the amino acid sequence as set forth in SEQ ID NO: 2.

3. Applicant authorized cancellations of claims 54-61 and further authorized insertion of new claims 62-63.

Conclusions

4. Claims 62-63 are allowed.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinod Kumar whose telephone number is (571) 272-4445.

The examiner can normally be reached on 8.30 a.m. to 5.00 pm.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached on (571) 272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Vinod Kumar/
Primary Examiner, Art Unit 1638